

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman  
Bankruptcy Judge  
Sacramento, California

October 22, 2013 at 9:31 A.M.

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1. [13-32313](#)-B-13 ISABEL HERNANDEZ MOTION FOR RELIEF FROM  
CPG-1 AUTOMATIC STAY  
10-7-13 [[11](#)]  
  
RIVER CITY INVESTORS, LLC  
VS.  
CASE DISMISSED 10/8/13

**Tentative Ruling:** The motion is dismissed as moot. The bankruptcy case was dismissed by order entered October 8, 2013 (Dkt. 18). The movant already has the relief it seeks by the motion.

The court will issue a minute order.

2. [13-30637](#)-B-13 STEPHANIE EPPERSON MOTION FOR RELIEF FROM  
CSS-1 AUTOMATIC STAY  
9-24-13 [[33](#)]  
  
PRESTIGE MOTORS, INC. VS.

**Tentative Ruling:** None.

3. [11-20655](#)-B-13 SABRINA CRISTO MOTION FOR RELIEF FROM  
MRG-1 AUTOMATIC STAY  
9-5-13 [[98](#)]  
  
HARLEY-DAVIDSON CREDIT CORP.  
VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to

permit the movant to obtain possession of its collateral, a 2008 Harley-Davidson FLTR Road Glide (VIN 1HD1FS4338Y694388) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The operative chapter 13 plan in this case was confirmed by order entered July 19, 2013. The plan treats the movant's claim as a class 2 secured claim, to be paid by the chapter 13 trustee from the debtor's plan payments. The movant alleges without dispute that the debtor is three months in post-petition default under the terms of the confirmed plan. In addition, on October 15, 2013, the debtor filed a modified plan which proposes to surrender the Collateral to the movant and make no further payments on the secured claim. The modified plan has not been disapproved. The foregoing facts constitute cause for relief from the automatic stay.

The court will issue a minute order.

4. [11-21697](#)-B-13 EDWARD/SYLIVIA GOMEZ  
JHW-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
9-10-13 [[55](#)]

AMERICREDIT FINANCIAL  
SERVICES, INC. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to exercise its rights under applicable non-bankruptcy law to collect the insurance proceeds paid as a result of the total loss of its collateral, a 2009 Ford Focus (VIN 1FAHP36N29W260760) (the "Collateral"), and to use the proceeds from to satisfy its claim including any attorneys' fees awarded herein. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The operative chapter 13 plan in this case was confirmed by order entered May 11, 2012. The plan treats the movant's claim as a class 2 secured claim, to be paid by the chapter 13 trustee from the debtor's plan payments. The movant alleges without dispute that the Collateral was involved in a collision on August 5, 2013, and that the Collateral has been declared a total loss by the debtors' insurer. Movant also alleges without dispute that it is the loss payee pursuant to the terms of the applicable insurance policy. The foregoing facts constitute cause for relief from the automatic stay.

The court will issue a minute order.